

CHILDREN AT THE LEKGOTLA: AFRICAN CHILD-LED LITIGATION FOR REMEDIES IN THE CLIMATE CRISIS

Author: Liesl H. Muller, , University College Cork, lieslheila.muller@ucc.ie

 www.ucc.ie/en/youthclimatejustice/

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OVERALL SUMMARY


This article is about **children's right to be heard** in the climate crisis.

In the **CRC, Article 12** says that children have the right to express their views and to have them heard in decisions that affect their lives.



Children are **climate leaders**.
But they do not have the **right to vote**, and their concerns are often **ignored** by their governments.



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Is this
discrimination
based on age?

Children & youth have taken at least **70 climate cases** to courts all over the world. **BUT 49 cases** never made it into court!

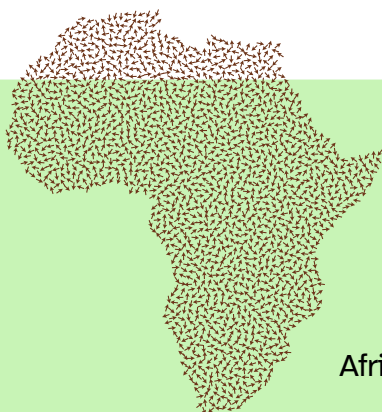
This is because of strict court rules not made for children, violating their **right to access justice**.



Children are **uniquely impacted** by climate change because of their developing bodies and dependence on adults.

African children face additional issues like war and displacement.

African law has interesting **solutions**, which are being used by African children that can help everyone with better access to climate justice.



WHAT CAN WE LEARN FROM AFRICAN CHILDREN?

UBUNTU

Ubuntu is an African philosophy that values interconnectedness, community, collective well-being and harmony with nature.

African courts have used it to make **binding decisions that benefit the whole community**.

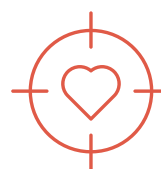
It can be used as a **framework for solving** climate change's complex, multi-generational legal questions.

LESSONS FROM SOUTH AFRICA

Transformative constitutionalism says courts must interpret the law in a way that supports human rights and social justice, including children's rights.

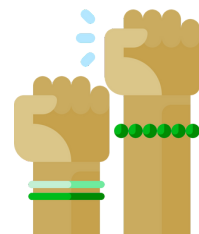


A purposive approach:
Legal rules must be developed to give effect to the purpose of the law - to protect human rights.



Broad standing

The youth-involved **DEADLY AIR case** says that children can bring a case on behalf of future generations, even if they themselves have not been harmed.



A CHILD RIGHTS APPROACH

Strict court admissibility rules - who can get into court - must be tailored to the needs of children. This means:

- Putting the **best interests** of children first (CRC Art 3)
- **Listening to children's views** and take them seriously (CRC Art 12)
- Making remedies **available, accessible, and child-friendly**
- Relaxing strict rules when they stop children from getting justice
- Allowing **group cases, broad standing, and flexible proof rules**
- Moving cases forward **quickly**, because delays harm children more.



#CancelCoal



African Climate Alliance

“Lekgotla”

is a Sesotho word for the community meeting place.

This is where important decisions are made, traditionally around a fire.

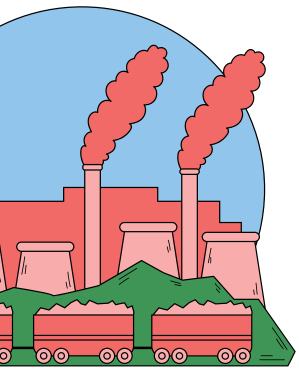


What happens when children come to the lekgotla?

Child/youth led litigation in South Africa

In **#CancelCoal**:

- Youth activists argued that a coal decision impacted children's rights but that their interests were not considered — and **the court agreed**.
- The court said that decisions about the environment must only be taken after children have been **consulted and their interests have been considered**.
- The coal decision was **cancelled!**



Conclusion

- A **child-rights approach** — supported by **ubuntu** and best practices from South African legal principles — can open the doors of justice to children.
- **Child and youth climate cases** in South Africa, like the #CancelCoal case, show us how a child rights approach and a relational approach (like ubuntu) can make a way for children to get into court to have their cases heard.
- When children come to the lekgotla (the place of decision-making), **the law must make space** for them.
- Their **voices can help reshape** climate justice for everyone.



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